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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/817,540 | 03/26/2001 | Paul Eugene Rienzo | 8015 | 6822 |

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EXAMINER

IZAGUIRRE, ISMAEL

ART UNIT PAPER NUMBER

3765

DATE MAILED: 11/25/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,540

Applicant(s)

RIENZO ET AL.

Examiner

Ismael Izaguirre

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-13 and 16-22 is/are rejected.
- 7) ☐ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8, 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

CLAIMS

Summary

Claims 1,2,9,13,16 and 22 are the independent claims under consideration in this Office Action.

Claims 3-8,10-12 and 17-21 are the dependent claims under consideration in this Office Action.

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 19-21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claims 19 and 21, these claims depend from claim 14, which is a claim that has been cancelled. Accordingly, the claims are indefinite since the reference to particular apparatus structure of claim 14 is not found.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8,19 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Honda (61-249,500).

Honda teaches a method for smoothing and de-wrinkling a fabric item worn by a person comprising the steps of wetting a fabric with water by at least over 1% of the dry weight of the fabric and/or adding adjuvant (detergent). Honda teaches applying ultrasonic waves to the fabric for removal of a stain and inherently in the process, smoothing and dewrinkling. Honda teaches providing a source 2,4 and 5 of ultrasonic waves and applying the waves to the fabric material. The smoothing and applying of the ultrasonic waves are such that any damaging or adverse effect to the fabric would inherently be avoided.

Claims 1-4,6-8,13,16 and 18-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Takaaki et al. (07-047,197).

Takaaki et al. teach a method for smoothing and de-wrinkling a fabric item worn by a person comprising the steps of wetting a fabric with water by at least over 1% of the dry weight of the fabric with smoothing and dewrinkling the fabric material. Takaaki et al. teach that the ironing apparatus includes a sole plate 7 for ironing and smoothing the material and a water reservoir 10 for holding the ultrasonic transmission fluid (water) and supplying this to an ultrasonic device including a perforated plate 5 which is ultrasonically vibrated and thus provides the water to the fabric being ironed. The

smoothing of the article and applying of the ultrasonic waves to the water is done such that any damaging or adverse effect to the fabric would inherently be avoided.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Takaaki et al. in view of Kawasaki et al. (4,656,763).

Takaaki et al. disclose the invention substantially as claimed. See above for specific explanations of the structural details of this document. Briefly, Takaaki et al. teach an iron including a method for smoothing and de-wrinkling a fabric item. Takaaki et al. teach wetting the article by applying ultrasonic energy to water in a reservoir (solution storage means). However, Takaaki et al. does not suggest the reservoir as being removable from the body of the iron.

Kawasaki et al. teach a steam iron for smoothing and de-wrinkling an article. Kawasaki et al. teach the steam including a sole plate 1 for pressing against the article being ironed and a vaporization chamber 7 which provides the sole plate with steam. Further, Kawasaki et al. teach a reservoir 5 for containing water and feeding this to the

vaporization chamber 7. The reservoir 5 not only accommodates water but also is removable for refilling (figure 5, for example).

It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to construct the reservoir of Takaaki et al. as being removable from the body of the iron. Providing such structure would allow the easy refilling of the iron with water. This is especially true when the source of water is in another part of the house while ironing.

Claims 9,11-13,21 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Honda.

Honda discloses the invention substantially as claimed. See above for specific explanations of the structural details of this document. Briefly, Honda teaches a product including a method for smoothing and de-wrinkling a fabric item. Honda teaches wetting the article and applying ultrasonic energy for removing a stain and inherently smooth the area, which has ultrasonic energy, applied thereto. However, Honda does not suggest providing consumer instructions with the product.

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to provide the consumer of the product in Honda with instructions specifically explaining and guiding the consumer as to how to use the product. Providing such instructions would avoid the consumer misusing the product and causing damage to the article being worked on.

ALLOWABLE SUBJECT MATTER

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

PERTINENT CITATIONS

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakao et al. Illustrate a steam iron including a removable water tank.

INQUIRIES

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 308-0861.

Any inquiry concerning this communication or earlier communications directed to the examiner should be directed to Mr. Ismael Izaguirre at (703) 308-0892 located in CP2-4B18, Monday through Friday 9:30am to 6:00pm.



**Ismael Izaguirre
Primary Examiner
Group Art Unit 3765**